

PARAMETERS AND GUIDELINES
Education Code Sections 51201.5 and 51229.8
Chapter 818, Statutes of 1991
AIDS Instruction

I. SUMMARY OF MANDATE

Chapter 818, Statutes of 1991, added sections 51201.5 and 51229.8 to the Education Code to require school districts to provide AIDS prevention instruction to all pupils in grades 7 through 12, as specified. This includes the costs of training those employees that provide AIDS prevention instruction to district staff and students (with the exception of in-classroom teacher time); costs for school district and county office of education in-service training and planning; costs for employees involved in curriculum planning and selection of instructional materials and the costs of those materials; staff costs and materials for written notification to parents that their children will be receiving AIDS prevention instruction.

II. COMMISSION ON STATE MANDATES DECISION

The Commission on State Mandates, on February 25, 1993, determined that the provisions of Education Code sections 51201.5 and 51229.8, as added by Chapter 818, Statutes of 1991, (Chapter 818/91), impose a new program or higher level of service in an existing program on school districts, within the meaning of Government Code section 17514 and section 6, article XIII B of the California Constitution.

The Commission determined that the provisions of Education Code sections 51201.5 and 51229.8 require school districts to cooperatively plan and conduct in-service training for all teachers and school employees who provide AIDS prevention instruction, including salaries and benefits of resource teachers who instruct employees and students; to provide appropriate written notice explaining the purpose of the AIDS prevention instruction to each pupil's parent or guardian; to participate in the selection and purchase of AIDS instructional materials.

The Commission also determined that providing in-classroom AIDS prevention instruction to students does not impose a new program or a higher level of service in an existing program upon school districts.

III. ELIGIBLE CLAIMANTS

All school districts of the state of California, as defined in Government Code section 17519, that incur increased costs as a result of this reimbursable state mandated program are eligible to claim reimbursement of those costs.

IV. PERIOD OF REIMBURSEMENT

Chapter 818/91 became effective on January 1, 1992. Section 17557 of the Government Code states that a test claim must be submitted on or before December 31 following a given fiscal year to establish eligibility for that fiscal year. The initial test claim for Chapter 818/91 was filed on July 13, 1992, therefore all permitted costs incurred on or after January 1, 1992, for implementation of Chapter 818, Statutes of 1991, are reimbursable.

Actual costs for one fiscal year should be included in each claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to Section 17561 (d) (3) of the Government Code, all claims for reimbursement of initial years' costs shall be submitted within 120 days of notification by the State Controller of the enactment of the claims bill.

If the total costs for a given fiscal year do not exceed \$200, no reimbursement shall be allowed, except as otherwise allowed by Government Code section 17564.

V. REIMBURSABLE COSTS

A. Scope of Mandate

School districts shall be reimbursed for costs incurred to provide AIDS prevention instruction to all pupils in grades 7 through 12, as specified, through procedures that include cooperatively planning and conducting in-service training for all classroom and non-classroom employees who provide AIDS prevention instruction; through provision of appropriate written notice explaining the purpose of the AIDS prevention instruction to each pupil's parent or guardian; through participation in the selection and purchase of AIDS instructional materials, as described in Education Code sections 51201.5 and 51229.8.

B. Reimbursable Activities of Education Code Sections 51201.5 and 51229.8 include:

1. Instructional Costs

- a. In-service training

The costs of instructors in providing HIV/AIDS prevention instruction to school district employees with assigned responsibility for providing the HIV/AIDS prevention instruction to grades 7-12. In addition, the salaries and related benefits for the time of the school district employee with assigned responsibility for HIV/AIDS prevention instruction in grades 7-12, while in the training class is also reimbursable,

- b. Students

The salaries and related benefits of non-classroom district employees, such as resource teachers, who provide this mandated HIV/AIDS instruction to students of the district will be reimbursed. The reasonable costs of consultants providing this instruction are also reimbursable. However, in-classroom teacher time is not a reimbursable item.

- c. Planning

The costs of planning by the school district and by the county office of education for the AIDS instruction in-service program. The salaries and benefits of district employees participating in this cooperative in-service training and planning project are reimbursable.

- d. Curriculum Selection

The salaries and benefits of the employees of the school district and of the county office of education involved in the selection process that identifies instructional materials and the cost of those materials are reimbursable.

2. Notification Costs

The cost of providing written notification to parents informing them of planned AIDS prevention instruction and their options. Salaries, benefits, printing, postage and supply costs incurred by the governing board of each school district, each county board of education, and each county superintendent of schools, as applicable, related to mandated AIDS instruction notification are reimbursable.

VI. **CLAIM PREPARATION**

Each claim for reimbursement pursuant to this state mandated program must be timely filed and set forth a listing of each item for which reimbursement is claimed.

A. Description of Activity

Claimed costs must be allocated according to the four components of reimbursable activity described in Section V. B.

B. Supporting Documentation

Claimed costs should be supported by the following information:

1. Employee Salaries and Benefits

Identify the employee(s) and their job classification, describe the mandated functions performed, and specify the actual number of hours devoted to each function, the productive hourly rate, and the related benefits. The average number of hours devoted to each function may be claimed if supported by a documented time study.

2. Services and Supplies

Include only expenditures which can be identified as a direct cost of the mandated program. List cost of materials which have been consumed or expended specifically for the purpose of this state mandated program.

3. Allowable Overhead Cost

a. School districts must use the J-380 (or subsequent replacement) non-restrictive indirect cost rate provisionally approved by the California Department of Education.

b. County offices of education must use the J-73/A (or subsequent replacement) non-restrictive indirect cost rate provisionally approved by the State Department of Education.

VII. **SUPPORTING DATA**

For auditing purposes, all costs claimed must be traceable to source documents and/or worksheets that show evidence of the validity of such costs. These documents must be kept on

file by the the claimant for a period of no less than three years from the date of the final payment of the claim pursuant to this state mandated program, and made available on the request of the State Controller or his agent.

VIII. OFFSETTING SAVINGS AND OTHER REIMBURSEMENTS

Any offsetting savings the claimant experiences as a direct result of this statute must be deducted from the reimbursement costs claimed. In addition, reimbursement for this state mandated program received from any source, e.g., service fees collected, federal funds, other state funds, etc., shall be identified and deducted from this claim.

IX. REQUIRED CERTIFICATION

An authorized representative of the claimant will be required to provide a certification of claim, as specified in the State Controller's claiming instructions, for those program costs mandated by the state contained herein,